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PRESIDENT
FRANK A. SEDITA, III
ERIE COUNTY

September 23, 2014

The Honorable Andrew Cuomo
New York State Capitol Building
Albany, NY 12224

RE: Support for S2020-A, A8907 (Golden, Englebright), an Act to amend the General Business Law and the Penal Law to allow the donation of seized trademark counterfeit clothing

Dear Governor:

I am writing on behalf of the District Attorneys Association of the State of New York ("DAASNY") to support the above-referenced legislation.

S 2020-A, A8907 provides an alternative to the destruction of seized counterfeit goods: donation. It has long been a source of consternation to law enforcement and court officers that needed items – such as warm clothing, boots, and hats – were required, by law, be destroyed. While mindful that these items should not go back into circulation on the black or grey markets, it seemed evident that a compromise solution existed. This legislation brings that compromise to life.

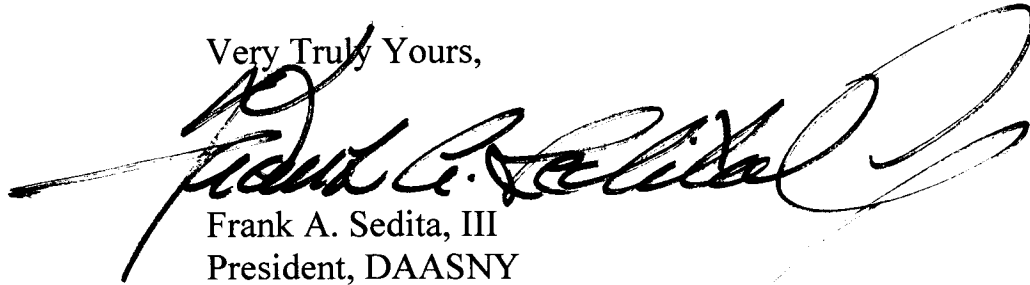
This bill does nothing to undermine the integrity of legitimate, trademark business. Indeed, upon a request by a law enforcement agency and determination by the court that donation as appropriate, the legislation requires the court to serve written notice to the complainant about the pending donation. The mark holder then has an opportunity to object before any donation is made.

The legislation only applies to clothing; it does not apply to luxury items such as handbags, electronics, or other counterfeit products. Donations may only be made to a not-for-profit corporation that has an established history of providing goods and services to indigent individuals. Any counterfeit marking or other indication misrepresenting the item as branded must be removed or altered prior to the donation of the product. Finally, this legislation expressly prohibits the resale of any donated items.

DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK

Because this legislation will allow indigent people to benefit from the use of seized clothing without harm to the complainant, DAASNY supports **S2020-A, A8907** and respectfully urges you to sign this bill into law.

Very Truly Yours,

A large, stylized handwritten signature in black ink, appearing to read "Frank A. Sedita, III". The signature is written over the typed name and extends to the right, ending in a large, sweeping flourish.

Frank A. Sedita, III
President, DAASNY
District Attorney, Erie County